

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**CIVIL CASE NO. 3:05cv283
[Lead Case]**

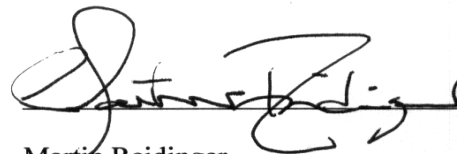
JOHN F. SIMONTACCHI,)	
)	
Plaintiff,)	
)	
vs.)	
INVENSYS, INC.,)	
)	
Defendant.)	
_____)	

ORDER

THIS MATTER is before the Court on the Plaintiff's motion to consider matters outside the administrative record with regard to Plaintiff's ERISA claim. The motion is opposed.

After reviewing the Motion, the Response thereto and the record in this matter, the Court concludes that the Defendant's position is well taken. The evidence that Plaintiff seeks to submit in supplement to the record does not meet the standard for "exceptional circumstances" under Quesinberry v. Life Ins. Co. of North America, 987 F.2d 1017 (4th Cir.1993).

IT IS, THEREFORE, ORDERED that the motion to consider evidence outside of the administrative record regarding Plaintiff's ERISA claim is hereby **DENIED**.


Martin Reidinger
United States District Judge



Signed: January 11, 2008